

REMARKS

Applicants respectfully traverse the rejections of the Office Action mailed January 29, 2009 [hereinafter “Jan. 29th OA”], and request reconsideration. Claims 6 through 10, 15 through 22, 24, 26, 28 through 31 and 36 through 41 remain pending in the application. Claims 6, 16, 19, 22, 24, 26, 36 and 39 are hereby amended.

Summary of the Jan. 29th OA rejections:

Claims 6-10, 15-22, 24, 26, 28-31, 36-41 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,025,837 (issued Feb. 15, 2000) to Matthews III, et al. [hereinafter “Matthews”]. See Jan. 29th OA, page 3, ¶ 2.

Summary of the Examiner Interviews conducted telephonically on April 9, 2009

An Examiner Interview was conducted on April 9, 2009, telephonically between Examiner Michael P. Van Handel and Applicants’ representative, Joseph T. Cygan (Reg. No. 50,937), to discuss the 102(b) reference, Matthews, and proposed amendments to the independent claims. Applicants wish to thank Examiner Van Handel for taking time to discuss the application.

Applicants discussed the independent claims with respect to Applicants’ FIG. 7 and FIG. 2 arguing that Matthews does not describe an EPG having “at least one cell of said plurality of cells, [that] indicates presence of existent user-initiated recorded material.” The Applicants have also amended the claims, as agreed during the discussion, to add inherent language to clarify that recorded material is “user-initiated recorded material.” The Examiner agreed that Matthews did not describe this subject matter and that the claim amendments clarify the distinguishing subject matter of the claims.

Therefore, in light of the April 9, 2009 discussion and the claim amendments presented herein, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejections.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant(s) has/have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

Date: April 9, 2009

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